

REMARKS

Applicants submit this Amendment in reply to the Office Action mailed May 19, 2005.

As an initial matter, Applicants appreciate the Examiner's indication of the allowability of the subject matter of claims 31-36, 41, 42, 47, 55, and 56. Applicants have amended the dependencies of claims 40 and 49 to depend from the allowable subject matter of claim 41. Accordingly, claims 40, 49-51, and 54 are now also allowable. Applicants have also amended claims 55 and 56 to include the additional subject matter of claim 49. The subject matter of claims 31-36, 41, 42, 47, 55, and 56 have not been rewritten into independent form, however, because independent claim 30 is allowable for at least the reasons set forth below.

Applicants have also amended portions of the specification and claims 37-39 to recite "orientation layer" instead of "alignment layer," and amended claims 52 and 53 to include the additional subject matter of claim 49. The originally-filed specification, claims, and drawings fully support the subject matter of the amendments to specification and claims 37-39, 52, and 53. No new matter has been introduced.

Before entry of this Amendment, claims 30-56 were pending in this application. After entry of this Amendment, claims 30-56 are still pending in this application. Claim 30 is the sole independent claim.

On pages 2-11 of the Office Action, claims 30, 37, 38, 40, 44, 46, and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0245499 to Negoro et al. ("Negoro") in view of U.S. Patent No. 6,261,649 to Takagi et al. ("Takagi") or Japanese Patent Application Publication No. 11-

287994 to Aminaka et al. ("Aminaka"); claims 49-51 and 54 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Negoro in view of Takagi or Aminaka; claim 39 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Negoro in view of Takagi or Aminaka and further in view of U.S. Patent No. 6,685,998 to Nishikawa et al. ("Nishikawa"); claim 45 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Negoro in view of Takagi or Aminaka and further in view of U.S. Patent No. 5,747,121 to Okazaki et al. ("Okazaki"); claim 52 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Negoro in view of Takagi or Aminaka and further in view of U.S. Patent No. 6,493,053 to Miyachi et al. ("Miyachi"); and claim 53 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Negoro in view of Takagi or Aminaka and further in view of U.S. Patent No. 6,081,312 to Aminaka et al. ("Aminaka '312").

Claims 40 and 49-54 now depend, either directly or indirectly, from the allowable subject matter of claim 41, rendering the rejection of those claims moot. With respect to the other rejections, Applicants respectfully traverse the rejections because Negoro is not available as prior art to this application, at least with regards to the subject matter of claims 30, 37, 38, 39, 43-46, 48, 52, and 53.

Negoro was published on December 9, 2004 and was filed in the U.S. Patent and Trademark Office on July 2, 2004. Negoro is a continuation of an application which was filed on March 29, 2001. Thus, the earliest effective date of Negoro under 35 U.S.C. §102(e) is **March 29, 2001**.

This application has a U.S. filing date of October 23, 2003, and claims priority to U.S. Patent Application No. 09/907,809 filed on July 19, 2001, Japanese Patent Application No. 2000-220538 ("first Japanese priority document"), which was filed in the

Japanese Patent Office on July 21, 2000, and Japanese Patent Application No. 2000-372741 ("second Japanese priority document"), which was filed in the Japanese Patent Office on December 7, 2000. At least one of the first and second Japanese priority documents provide support for the subject matter of claims 30, 37, 38, 39, 43-46, 48, 52, and 53. The Form PTOL-326 of the Office Action mailed May 19, 2005 indicates that the certified copies of the priority documents had been received by the U.S. Patent and Trademark Office in parent U.S. Patent Application No. 09/907,809. To perfect priority, Applicants file herewith certified English translations of the first and second Japanese priority documents. Accordingly, in accordance with the provisions of 37 C.F.R. § 1.55 and M.P.E.P. § 201.15, Applicants respectfully request that the Examiner establish that the first and second Japanese priority documents satisfy the enablement and description requirements of 35 U.S.C. 112, first paragraph, with respect to the subject matter of claims 30, 37, 38, 39, 43-46, 48, 52, and 53, antedates the earliest effective date of Negoro under 35 U.S.C. §102(e), and thus removes Negoro as a prior art reference to the subject matter of claims 30, 37, 38, 39, 43-46, 48, 52, and 53. Because Negoro is not available as prior art against of claims 30, 37, 38, 39, 43-46, 48, 52, and 53, Applicants respectfully request the withdrawal of the rejections based on Negoro.

Without Negoro, the Office Action fails to establish *prima facie* case of obviousness with respect to claims 30, 37, 38, 39, 43-46, 48, 52, and 53, as the Office Action does not indicate how any combination of Takaqi, Aminaka, Nishikawa, Okazaki, Miyachi, and Aminaka '312 discloses or suggests the claimed invention as set forth in any of claims 30, 37, 38, 39, 43-46, 48, 52, and 53.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

In discussing the specification and claims in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification or abstract and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: October 3, 2005

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Attachments: Certified English language translations of Japanese Patent Application Nos. 2000-220538 and 2000-372741.